IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

LA.App.No. 342 of 2004

LAR.548/1997 of ADDL.SUB COURT, NORTH PARAVUR
.....

APPELLANT/ADDITIONAL 2ND RESPONDENT:

THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, REP. BY THE REGISTRAR.

BY ADV. SRI.KRISHNAKUMAR MANGOT,SC,SANSKRIT UTY
SRI.B.S.KRISHNAN(SR.),SC,SANSKRIT UTY.
SRI.K.ANAND, SC, SANSKRIT UTY.

RESPONDENTS/IST RESPONDENT AND CLAIMANTS:
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1. THE STATE OF KERALA, REP. BY THE DISTRICT COLLECTOR, ERNAKULAM.

2. RAVEENDRANATHAN, S/O.GOVINDAN, THARANILAM, KALADY, ERNAKULAM DISTRICT.

BY ADV. SMT.ROSE MICHAEL
GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 342 OF 2004

Dated this the 18th day of October, 2007.

J U D G M E N T

Harun-Ul-Rashid, J.

This is an appeal filed by the Sree Sankaracharya University of Sanskrit, Kalady against the judgment and decree dated 28.08.2003 in L.A.R. No. 548/1997 on the file of the Additional Sub Court, North Paravur.

2. The extent of land acquired is 2.88 Ares. The purpose of acquisition is for the construction of Sree Sankara Sanskrit University, Kalady. Section 4(1) notification is dated 17.08.1993. The Land Acquisition Officer awarded Rs. 38,905.92/- per Are towards land value. At the instance of the claimant, the reference court considered the claim for enhancement of compensation. Exhibits A1 and A2 and R1 to R5 are marked in this case. The claimant was examined as AW1.

3. The court below after considering the materials on record found that the acquired land and the property involved in L.A.R. 107/1999 are similar and similarly situated. The court

also took notice that, in Exhibit R5 judgment, 44% land value over and above the value given by the Land Acquisition Officer has become final. In the circumstances, the reference court accepted Exhibit R5 judgment and accordingly the claimant was granted enhanced land value at the rate of Rs. 5,944/- per Are.

The value fixed by the court below on the basis of the evidence on record is just and proper. We find no merit in the appeal and therefore the appeal is dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp